

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:4293

ANSWERED ON:18.12.2001

REHABILITATION LAW OF JAMMU AND KASHMIR

BAHADUR SINGH KOLI;RAVI PRAKASH VERMA

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether attention of the Government has been drawn towards the newsitem appearing in the `Punjab Keshari` dated 19.11.2001 regarding rehabilitation law of Jammu & Kashmir;
- (b) if so, the facts in this regard;
- (c) whether Pakistan is reportedly trying to infiltrate its agents in Indian territory in large numbers taking the advantage of the law;
- (d) if so, the reaction of the Government thereto; and
- (e) the steps proposed to be taken by the Government on this issue ?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (CH.VIDYASAGAR RAO)

(a) & (b): Yes, Sir. The State Legislature enacted the Jammu and Kashmir Grant of Permit for Resettlement in (or permanent Return to) the State Act, 1982 for enabling the return and resettlement of permanent residents, who were State Subjects before 14.05.1954 and migrated to Pakistan after 01.03.1947 or their descendent. When the said Bill was under consideration of the State Legislature, a Presidential Reference under article 143 of the Constitution of India was made on 30.09.1982 to the Supreme Court of India, seeking their opinion as to whether the Bill or any of the provisions thereof, if enacted, would be constitutionally invalid. The Supreme Court vide its judgement dated 06.11.2001 have returned the Reference unanswered saying that even if they were to answer the question in the affirmative, they would be unable to strike down the Act in this proceeding.

(c) & (d): While no such report has been received, such a possibility cannot be ruled out. However, Government is keeping vigil on all fronts in order to curb any such infiltration.

(e): As the enactment of said Act is at variance with the powers of the Parliament on some subjects in the Union List of the Seventh Schedule to the Constitution of India, the matter is receiving the Government's attention.